

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

MARK STANALAJCZO, DDS,

Plaintiff,

Case No. 23-cv-11527  
Hon. Matthew F. Leitman

v

BRANDONN PERRY, et al.,

Defendants.

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**ORDER CONCERNING DEFENDANTS' PRIVILEGE DESIGNATIONS**

In this action, Defendants have asserted that certain documents are covered by the attorney-client privilege and/or the work-product privilege. Defendants have identified those documents on an Amended Privilege Log and have withheld those documents from discovery productions. Plaintiff has raised a challenge to Defendants' assertions of privilege, and the parties have jointly asked the Court to review the allegedly-privileged documents in camera in order to determine whether to sustain the assertions of privilege. The Court has conducted the in camera review. The Court's rulings on the privilege designations are reflected in the "Ruling" column of the Amended Privilege Log reproduced below.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: March 21, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 21, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126

**COURT'S RULING WITH RESPECT TO DEFENDANTS' AMENDED PRIVILEGE LOG**

| DOCUMENT DATE | TYPE  | AUTHOR   | RECIPIENT  | PRIVILEGE ASSERTED BY DEFENDANTS | DEFENDANTS' DESCRIPTION  | Ruling                                   |
|---------------|-------|--|--|----------------------------------|--|--|
| 10/20/22      | Email | Christiane Squarize  | Jacques Nor<br>cc: Jan Hu<br>Lynn Johnson                      | Attorney-Client Privilege        | Email discusses attached email from Gloria Hage to Christiane Squarize, cc: Lynn Johnson, Kimberly Andrus and Sascha Matish, and email from Christiane Squarize to Gloria Hage providing legal advice. | The assertion of privilege is SUSTAINED. |
| 08/22/22      | Email | Chain of emails between Lynn Johnson and Gloria Hage       | Copies to Kimberly Andrus, Jan Hu, Sascha Matish, Jacques Nor  | Attorney-Client Privilege        | Provision of legal advice.   | The assertion of privilege is SUSTAINED. |
| 09/26/22      | Email | Chain of emails among Lynn Johnson, Gloria Hage and Jan Hu | Copies to Kimberly Andrus, Christiane Squarize and Jacques Nor | Attorney-Client Privilege        | Provision of legal advice.   | The assertion of privilege is SUSTAINED. |

| DOCUMENT DATE   | TYPE  | AUTHOR   | RECIPIENT  | PRIVILEGE ASSERTED BY DEFENDANTS | DEFENDANTS' DESCRIPTION  | Ruling  |
|---|-------|--|--|----------------------------------|--|---|
| 11/01/22  | Email | Chain of emails among Lynn Johnson, Jacques Nor, Christiane Squarize, Jan Hu and Gloria Hage | Copy to Kimberly Andrus  | Attorney-Client Privilege        | Provision of legal advice.   | The assertion of privilege is SUSTAINED.  |
| 08/05/22  | Email | Lynn Johnson   | Jan Hu, Jacques Nor, Romesh Nalliah<br>cc: Christiane Squarize | Attorney-Client Privilege        | Discussing legal advice from Gloria Hage.  | The assertion of privilege is OVERRULED with the exception of the third paragraph of the first page of the document that begins with the name "Dubuc" and ends with the term "OGC." That paragraph may be redacted from the production. |
| 09/27/22<br><i>This email was produced in redacted form on 01/11/24, bates-stamped #00702</i> | Email | Lynn Johnson   | Erika Roberts<br>cc: Jan Hu, Jacques Nor, Christiane Squarize  | Attorney-Client Privilege        | Discussion of legal advice from Office of General Counsel regarding October Executive Committee meeting. | The assertion of privilege is SUSTAINED. The production of this email in redacted form is sufficient.   |

| DOCUMENT DATE | TYPE  | AUTHOR   | RECIPIENT           | PRIVILEGE ASSERTED BY DEFENDANTS                     | DEFENDANTS' DESCRIPTION  | Ruling   |
|---------------|-------|--|---------------------|--|--|--|
| 07/18/22      | Email | Lynn Johnson                                   | Jacques Nor, Jan Hu | Attorney-Client Privilege                            | Paragraphs have been redacted because they reflect legal advice from Office of General Counsel. Bates-stamped #00277 through #00283. | The assertion of privilege is SUSTAINED. The production of these emails in redacted form is sufficient.  |
| 07/18/22      | Email | Ashley Stojkovic, on behalf of Patty Petrowski | Several Recipients  | Attorney-Client Privilege and Work-Product Privilege | Discussing legal advice regarding litigation hold and identification of potential witnesses.   | Defendants shall submit a memorandum of law explaining why this litigation hold memo falls under Attorney-Client Privilege and Work-Product Privilege. See <i>Bagley v. Yale University</i> , 318 F.R.D. 234 (D. Conn. 2016) and <i>United Illuminating Co. v. Whiting-Turner Contracting Co. et al.</i> , 2020 WL 8611045 (Oct. 30, D. Conn. 2020). |

| DOCUMENT DATE | TYPE   | AUTHOR  | RECIPIENT                                     | PRIVILEGE ASSERTED BY DEFENDANTS | DEFENDANTS' DESCRIPTION   | Ruling   |
|---------------|--------|---|---|----------------------------------|---|--|
| 07/04/23      | Email  | Brandonn Perry                                    | Mary Jo Gray                                  | Attorney-Client Privilege        | Paragraphs have been redacted from bates-stamped documents #00767 through #00771. Paragraphs have been redacted because they contain communications from the Office of General Counsel. | Defendants have not provided unredacted copy and shall submit such a copy to the Court for further review. |
| 01/24/24      | Letter | Jeffrey S. Chatas<br>Letter re<br>Indemnification | Brandonn Perry and other recipient defendants | Attorney-Client Privilege        | The letter contains privileged information. The defendants have provided a copy of the SPG and a copy of the relevant insurance language. #00868 thru #00881                            | The assertion of privilege is OVERRULED. The document shall be produced.                                   |